

March 21, 2023
SB 278 – Utility Data Submission Bill
Written Only
Opponent

From:
Leslie Kaufman
Kansas Electric Cooperatives, Inc.
lkaufman@kec.org – 785-260-4877

To Senate Utilities Committee:

Chairman Olson, Vice Chair Petersen, Ranking Member Francisco, and members of the Senate Utilities Committee, thank you for the opportunity to submit comments in opposition to SB 278. I am Leslie Kaufman, Vice President of Government Relations and Legal Counsel for Kansas Electric Cooperatives, Inc. (KEC), the statewide service association for 29 member, not-for-profit cooperatives providing electric service in 103 of 105 Kansas counties.

As a group, all of our cooperative members take seriously the charge to provide reliable electric service at an affordable price. As not-for-profit utilities, co-ops provide service at cost, which is a core principle of the cooperative movement, as is concern for community. Individual co-ops provide bill payment options and work with consumer-members faced with challenges in paying their utility bills. Additionally, they share information about assistance options available in their area for those facing difficulty paying for electricity.

For the majority of KEC-member cooperatives, the *Kansas Country Living* monthly magazine is often used to deliver information on ways to lower utility bills, billing options and assistance programs available to consumer-members. Individual co-ops also share information with members through various channels including newsletters, their website, social media or billing messages.

We care about those struggling financially, but SB 278 is not an answer to that problem. It is an unprecedented requirement that utilities collect and report a vast amount of consumer-member data, some personal, and release it to the public with identifiers that may not adequately mask consumer-member identity, especially for non-residential accounts.

We are extremely concerned with the breadth and depth of information we are asked to gather and disclose. There are 26 separate items utilities are asked to gather and report monthly for the preceding month, but several of the A to Z items call for collecting multiple data points. Altogether, we count approximately 46 separate data points to gather and/or report every month. The reporting is further complicated by the

requirement to organize the reporting by five different criteria, so essentially, that five is different reports, or sorts, of the 46 data points.

One of those organizational criteria is reporting by census track. A zip code may have multiple census tracks within or overlapping it and we do not know of any member co-op whose billing database currently includes identification of census tracks. As such, that could, at least initially, necessitate manually entering that information for each consumer-member for our co-ops who range in size from approximately 1,100 to nearly 50,000 consumer members. If an automated solution could be procured, it would require additional expense for updating the billing/member database software.

The required data points include reporting consumer-member income from the previous month. Contacting members and asking them what their income was during the previous month is not something we do, nor do we think that it is appropriate to do so. We do not believe our members will willingly divulge that information, especially month after month. To ascertain if a co-op meets the requirement of a "small public utility," co-ops will need to ask members how many individuals live in their household.

From what we have been told by a key proponent of this legislation, the intent is to help identify areas where the need for residential utility bill assistance is high. Although we do not believe the data gathering under this bill is appropriate, no matter what the customer class, we do not see the relevance of collecting non-residential data when the articulated focus is residential customers. That begs the question, what will this data be used for?

There are no parameters on how the data can be used and it will be publicly available from both the utility and the Kansas Corporation Commission (KCC). We are concerned that by combining energy usage data with other location identifiers, our consumer-members could be identified or at least identified as part of a small group.

The bill is not well drafted. There are disconnects between the data being requested from utilities and the reporting or analysis called for in SB 278. The amount of data the KCC is asked to verify each month, in the annual report and the opening of a proceeding on historical data make us question whether the KCC can actually fulfill the duties required under SB 278 within existing resources as noted in the original fiscal note. Additionally, the historical study has no bookends. Does that mean our members must look back over their entire history to gather data for that report?

The additional data gathering will have an impact on cooperative staffing. A KEC member estimates an additional 1 to 1.5 FTE will be needed to conduct the data collection. If a KCC proceeding (docket) is opened on the historical study, those costs can be assessed back to the utilities. For cooperatives, that means the consumer-members will bear the costs in some manner, all at a time when there is pressure to hold the line on rates in Kansas. This is another example where consumer-members are essentially asked to bear the costs of studies requested by a special interest group.

Thank you again for the opportunity to share some of our concerns with SB 278. For these reasons and more, we respectfully request the committee not advance this measure, as there are other more appropriate and productive mechanisms for assisting individuals in need with utility bill assistance. If you should have questions, please feel free to contact me.